

Date of Arrest: 10/29

United States District Court  
DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,  
v.

Francisco CASTRO-Tum  
Citizen of Guatemala  
YOB:1994  
206095030  
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 17-1850MJ

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

COUNT I

That on or about August 4, 2017, Defendant Francisco CASTRO-Tum, an alien, was removed from the United States to Guatemala through the port of Phoenix, Arizona, in pursuance of law, and thereafter on or about October 29, 2017, Defendant was found in the United States near San Luis, Arizona within the District of Arizona, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326(a)(Felony).

COUNT II

That on or about October 29, 2017, near San Luis, Arizona in the District of Arizona, Defendant Francisco CASTRO-Tum, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325(a)(1) (Misdemeanor).

And the complainant further states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Continued on the attached sheet and made a part here of.  Yes  No

Reviewed by AUSA John Bellas  
*[Signature]*

Sworn to before me and subscribed in my presence,

\_\_\_\_\_  
Date      October 31, 2017

at      Yuma, Arizona  
City and State

James F. Metcalf, United States Magistrate Judge  
Name & Title of Judicial Officer

*[Signature]*  
Signature of Judicial Officer

*[Signature]*  
Signature of Complainant

Steven Day  
BORDER PATROL AGENT

STATEMENT OF FACTUAL BASIS

Defendant: Francisco CASTRO-Tum

Dependants: 2 GUATEMALAN.

**IMMIGRATION HISTORY:** The Defendant is an illegal alien. The Defendant has been apprehended by the United States Border Patrol on one (1) previous occasion(s). The Defendant has been removed a total of one (1) times. The Defendant was last removed through Phoenix, Arizona on August 4, 2017.

**CRIMINAL AND IMMIGRATION HISTORY:**

<u>DATE</u>	<u>LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
08/04/2017	Phoenix, Arizona		Removed from the US (ER) (USBP)

Narrative: The Defendant, a citizen of Guatemala and illegally within the United States, was encountered by Border Patrol agents near San Luis, Arizona.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Guatemala and illegally in the United States.

The Defendant was transported to the Border Patrol station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant was first ordered removed at or near Tucson, Arizona on or about July 26, 2017.

The Defendant last entered the United States illegally without inspection near San Luis, Arizona on or about October 29, 2017.

Charges: 8 USC 1326(a)  
8 USC 1325(a)(1)

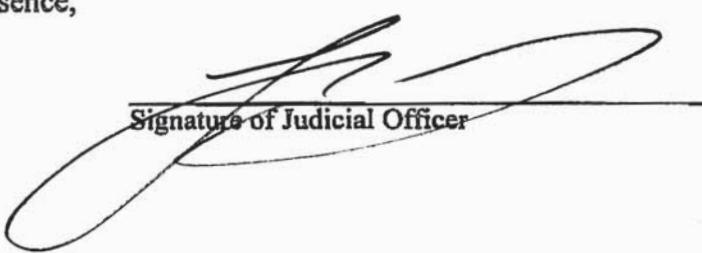
(Felony)  
(Misdemeanor)

  
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date

October 31, 2017

  
Signature of Judicial Officer